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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,929	02/14/2002	Toshiki Kawasome	6304.620	5326

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EXAMINER

LIU, MING HUN

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/073,929

Applicant(s)

KAWASOME, TOSHIKI

Examiner

Ming-Hun Liu

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-30 are rejected under 35 U.S.C. 102(b) as being unpatentable over US Patent 5,798,752 to Buxton.

In reference to claim 1, Buxton teaches a first input device for specifying a position on a display screen, which is connected to a computer for executing an application program and for displaying a processing object area of the application program on the display screen (column 4, line 58, “move the tools with one hand, normally the non-dominant hand), a second input device differing from the first input device, an instruction set for instructing a change in a display state of the processing object (column 4, line 63, “refers to the visual representation of underlying data produced by a program”) area on the display screen, in response to an operation of the second input device (column 4, line 60 “operate on the visual representation with the other, normally the dominant hand”) wherein the instruction set includes an emulator generating an instruction signal compatible with the application program executed by the computer, and the instruction signal is responsive to an operation of the second input device (column 4, line 63, “which may be an application program or any other type of program”; column 4, line 41 “may be implement in the context of a single program”).

In reference to claims 2 and 3, Buxton describes an input system where the instruction set instructs a change in the relative position and magnification ratio of the object area according to operations performed on the second input device (section 3.07, specifically column 9, lines 49-54 and lines 64-67).

In reference to claim 4, Buxton describes an input system where the instruction set instructs a change of the display size of an object obtained contained within the object area according to operations performed on the second input device (column 30, lines 30-32 and column 21, lines 36-40).

In reference to claim 5, it is clear when referring to the figures and their brief descriptions that Buxton teaches the use of editing features controlled by the second input device.

In reference to claim 6, Buxton describes an instruction set where operations performed on the second input device are compatible with the application program executed by the computer (column 4, lines 40-43 and column 10, lines 62-66).

Referring to claim 7, Buxton teaches that the first input device is selected from a group consisting of a mouse, trackball, touch pad and pen tablet (column 8, lines 4-7).

Referring to claim 8, Buxton also teaches that the second input device is selected from the group consisting a scroll wheel, a trackball a touch pad, a key switch and a combination of input devices (column 8, line 4-15).

In reference to claims 9-11, Buxton clear teaches that the combination of input devices comprises a wheel, ball, and key switch and incorporates this input device into the invention.

In reference to claims 12 and 13, it can be seen from figure 1 that Buxton discloses a third input device, different from the first and second, that is connected to the computer, where the third input device is a keyboard (item 25).

As to claim 15, it is clear from figure 1, that Buxton offers a keyboard as option for an input device.

Claims 16 and 24 are rejected on grounds outlined in the rejection of claim 1.

Claims 17 and 25 are rejected on grounds outlined in the rejection of claim 2.

Claims 18 and 26 are rejected on grounds outlined in the rejection of claim 3.

Claims 19 and 27 are rejected on grounds outlined in the rejection of claim 4.

Claims 20 and 28 are rejected on grounds outlined in the rejection of claim 5.

Claims 21 and 29 are rejected on grounds outlined in the rejection of claim 6.

In reference to claims 22 and 23, Buxton teaches the incorporation of a file storage memory and system for (figure 1, items 17 and 20) storing computer programs readable by the processor (item 12) of the computer and recording the program onto the storage medium (column 7, lines 48-58).

In reference to claim 30, claim 30 is rejected on grounds similar to the rejection of claim 1, with the addition disclosure from Buxton's figure 1 where he teaches a computer system comprising a computer and a display screen.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buxton.

In reference to claim 14, Buxton does not explicitly disclose in the incorporation of a fourth input device, different from the rest, however Buxton leaves room for such additions with the numerous alternate input devices he lists on column 8, lines 3-15. One skilled in the art understands that computer systems can support several input devices. It would have been simple to add a fourth input device with the abundant amount of USB and PS/2 ports in computers. Furthermore, one could argue that the component item 30 houses several different input devices, in which case Buxton does in fact anticipate such a claim. It would have been obvious to one of ordinary skill in the art to add additional input devices to computer systems, as it is an extremely conventional practice since different users have different preferences in the input devices usage.

#### ***Response to Arguments***

5. Applicant's arguments filed 12/20/04 have been fully considered but they are not persuasive. The applicant's assertion that Buxton's invention is not meant for "bundled application program software" is incorrect. In the rejection of claim 1, Buxton explains that his invention "may be implement in the context of a single program" (column 4, line 41). Therefore, Buxton adequately anticipates the limitation of being "compatible with a specific application program." Furthermore, nowhere in the claim language does the applicant limit the input device

for "bundled application program software." In reference to using the Herrin reference in the previous office action, Herrin was included to define computing terms "emulation" and "translation".

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ming-Hun Liu whose telephone number is (571) 272-7770. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ming-Hun Liu

  
**SUMATI LEFKOWITZ**  
**PRIMARY EXAMINER**